

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

LEONARD L. TAYLOR,)	
)	
Petitioner,)	
)	
v.)	Nos. 3:12-CR-065
)	3:13-CV-444
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

By memorandum and order entered June 3, 2016 [doc. 82], the court denied all but one of the claims raised in the petitioner's motion to vacate, set aside, or correct his sentence filed pursuant to 28 U.S.C. § 2255. The remaining claim (counsel's alleged failure to file a direct appeal) was referred to United States Magistrate Judge Dennis H. Inman for the purposes of conducting an evidentiary hearing and preparing a Report and Recommendation ("R&R").

Magistrate Judge Inman held an evidentiary hearing on July 19, 2016. The petitioner was present and gave testimony. Magistrate Judge Inman filed an R&R [doc. 85] one week later, recommending that the remaining claim be denied. There have been no timely objections filed to the R&R, and enough time has passed to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1).

I.

Standard of Review

A district court is both statutorily and constitutionally required to conduct a *de novo* review of a magistrate judge's report and recommendation. *See United States v. Shami*, 754 F.2d 670, 672 (6th Cir. 1985). However, it is necessary only to review "those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). The district court need not provide *de novo* review where objections to a report and recommendation are frivolous, conclusive, or general. *See Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986).

II.

Analysis

After careful review, the court is in complete agreement with Magistrate Judge Inman's conclusion that petitioner's remaining claim should be denied. Quite simply, at the July 19 hearing, the petitioner admitted that his remaining claim has no merit and he withdrew that claim. [Doc. 86, p. 4].

III.

Conclusion

As explained herein, the court **ADOPTS** the findings of fact and conclusions of law set out in Magistrate Judge Inman's Report and Recommendation [doc. 85]. The sole remaining claim in the petitioner's motion for post-conviction relief (counsel's alleged

failure to file a direct appeal) [doc. 68] is **DENIED**, and the motion will therefore be denied in its entirety. An appropriate order will be entered.

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan
United States District Judge